THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.No.16577 of 2005

Dated 28th day of July, 2005

Between:

Smt. Gollamarri Ramakotamma,

W/o.Chirra Reddy, aged 45 years,

R/o.Sarapaka Village, Burgampahad Mandal,

Khammam District.

… **Petitioner**

And

1.The Mandal Revenue Officer,

Burgampahad Mandal, Burgampahad,

Khammam District and another.

.. **Respondents**

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ORDER:

This Writ Petition is filed seeking a Mandamus to declare the action of the second respondent-Revenue Divisional Officer, Paloncha, Khammam District, in not disposing of the statutory appeal M.P.No.1 of 2005 filed under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 and taking steps to distribute the lands in Survey No.262 situated at Sarapaka village, Burgampahad Mandal of Khammam District through the first respondent-Mandal Revenue Officer, Burgampahad Mandal, as illegal and arbitrary.

The case of the petitioner is that he is in possession and enjoyment of the Government land in Sy.No.262, situated at Sarapaka Village, to an extent of Ac.3.00 cents for the last 30 years. While so, the first respondent issued a notice under Section 7 of the Land Encroachment Act, on 11.3.2005 requiring the petitioner to attend his office on 26.3.2005 to explain about the occupation of the said land. In pursuance of the same, the petitioner appeared before the first respondent and offered his explanation. Thereafter, on 30.4.2005 the first respondent issued Form-I notice under Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 stating that the petitioner is in occupation of the land in contravention of the provisions of the said Act and also issued show-cause notice as to why the petitioner shall not be evicted from the said land. Since the petitioner could not submit any explanation within fifteen days, the first respondent passed orders on 23.05.2005 evicting the petitioner from the land in question and resuming the same to the Government. Aggrieved by the said orders, the petitioner preferred an appeal before the second respondent on 01.7.2005 with an application for staying the operation of the orders of the first respondent, dated 23.5.2005. Since the second respondent has not passed any orders even on stay application, the petitioner filed this writ petition.

Admittedly, as against the eviction orders passed by the first respondent, dated 23.05.2005, the petitioner preferred statutory appeal before the second respondent on 01.7.2005 and the same is pending consideration. However, on the stay application filed along with the appeal, no orders have been passed so far. Hence, without going into the merits of the case, I deem it appropriate to direct the second respondent to consider and dispose of the appeal filed by the petitioner on 01.07.2005, after affording an opportunity to the petitioner, in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to evict the petitioner from the peaceful possession and enjoyment of the land in question.

With the above observations, the writ petition is disposed of. No costs.

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ELIPE DHARMA RAO, J

Date: 28th July, 2005

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